

Article - Environment

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§6–838.

(a) (1) In an action seeking damages for alleged injury or loss caused by the ingestion of lead by a person at risk in an affected property, evidence that the owner of the affected property was in compliance with the provisions of Part IV of this subtitle during the period of residency of the person at risk is admissible as evidence that the owner exercised reasonable care with respect to lead hazards during that period.

(2) In an action seeking damages for alleged injury or loss caused by the ingestion of lead by a person at risk in an affected property, evidence that the owner of the affected property was not in compliance with the provisions of Part IV of this subtitle during the period of residency of the person at risk is admissible as evidence that the owner failed to exercise reasonable care with respect to lead hazards during that period.

(b) If a party to an action for damages arising from ingestion of lead by a person at risk in an affected property alleges or denies the time and place of residence of, or visitation by, the person at risk without a good faith basis for the allegation or denial, the court shall require the offending party, the party's attorney, or both to pay the reasonable costs, including attorney's fees, incurred by the adverse party in opposing the allegation or denial.

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